CCRB INVESTIGATIVE RECOMMENDATION

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Investigator:		Team:	CCRB Case #:	✓ Force	☑ Discourt.	☐ U.S.
Liliana Manuel		Squad #7	201508658	☑ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Precinct:	18 Mo. SOL	EO SOL
Monday, 10/05/2015 8:15 PM		Fountain Avenue between Dumont Avenue and Blake Avenue; 75th Precinct Stationhouse		75	4/5/2017	4/5/2017
Date/Time CV Reported		CV Reported At:	How CV Reported	: Date/Time	Received at CCI	RB
Tue, 10/13/2015 12:34 PM		CCRB	Phone	Tue, 10/13	3/2015 12:34 PM	
Complainant/Victim	Type	Home Addre	ss	•		
Witness(es)		Home Addre	ess			_
Subject Officer(s)	Shield	TaxID	Command			
1. SSA Robert Martinez	01369	922716	075 PCT			
Witness Officer(s)	Shield N	o Tax No	Cmd Name			
1. POM William Schumacher	04618	949640	075 PCT			
2. POM Michael Ardolino	03101	951507	075 PCT			
3. POM Tony Cuoco	17359	950261	075 PCT			
4. POM David Quattrocchi	15010	952133	075 PCT			
5. POM Noel Damico	12566	951650	075 PCT			
6. POF Bridgette Thompsonwebley	20315	943875	075 PCT			
7. POF Alicia Barrett	12594	926546	075 PCT			
8. SGT Jose Deschamps	02706	931631	075 PCT			
Officer(s)	Allegatio	on		Invo	estigator Recon	nmendation
A.SSA Robert Martinez	Force: SSA Robert Martinez used physical force against on Fountain Avenue in Brooklyn.					
B.SSA Robert Martinez	Discourtesy: SSA Robert Martinez spoke discourteously to at the 75th Precinct Stationhouse.					
C.SSA Robert Martinez	Discourtesy: SSA Robert Martinez acted discourteously toward 887(2)(b) at the 75th Precinct Stationhouse.					
D.SSA Robert Martinez	Abuse: SSA Robert Martinez damaged § 87(2)(b) sproperty at the 75th Precinct Stationhouse.			s		
E.SSA Robert Martinez	Force: SS § 87(2)(b)	SA Robert Martinez used at the 75th Precin		st		
F.SSA Robert Martinez	Force: SS § 87(2)(b)	SA Robert Martinez used at the 75th Precin		inst		

Officer(s)	Allegation	Investigator Recommendation
G.SSA Robert Martinez	Abuse: SSA Robert Martinez threatened to arrest § 87(2)(b) at the 75th Precinct Stationhouse.	

Case Summary

On October 13, 2015, \$87(2)(b) filed the following CCRB complaint via the intake line on
behalf of herself and her friend, § 87(2)(b) (Board Review 09). On October 5, 2015, at approximately
8:15 p.m., §87(2)(b) -old son, §87(2)(b) was arrested on Fountain Avenue near Blake
Avenue in Brooklyn (Board Review 01). § 87(2)(b) was informed of his arrest, and she, her daughter,
\$ 87(2)(b) and \$ 87(2)(b) responded to the location. Once on Fountain Avenue, \$ 87(2)(b) attempted to
approach §87(2)(b) but was stopped from doing so by SSA Robert Martinez of the 75 th Precinct, who
allegedly pushed her away (Allegation A).
was transported to the 75 th Precinct Stationhouse, and \$87(2)(b) went
to the stationhouse shortly thereafter. § 87(2)(b) was using his phone at the stationhouse. SSA Martinez
allegedly told \$87(2)(b) "Get the fuck off of the phone," "Don't fucking take pictures or record," and, "Get
the fuck out of my precinct" (Allegation B). SSA Martinez then allegedly smacked the phone out of
s 87(2)(b) s hand, causing the phone to fall to the ground and break (Allegations C and D). It was alleged that
SSA Martinez grabbed \$87(2)(b) s shirt collar and part of his neck, and that he then pushed \$87(2)(b) toward
the exit (Allegations E and F). SSA Martinez then allegedly told \$87(2)(b) that he was going to arrest him
(Allegation G). \$87(2)(b) left the stationhouse and \$87(2)(b) was released to \$87(2)(b) Surveillance
footage was obtained from the James P. Sinnott School, located on Fountain Ave between Blake Ave and
Dumont Ave. The footage did not capture any portion of the incident.
§ 87(2)(g)
Mediation, Civil and Criminal Histories
• § 87(2)(b) rejected mediation.
• As of October 30, 2015, neither \$87(2)(b) nor \$87(2)(b) had filed a Notice of Claim with regard to
this incident (Board Review 02).
● [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- \$87(2)(b) has had two other CCRB complaints, both of which were closed as complainant uncooperative (Board Review 05).
- This is the first CCRB complaint involving \$87(2)(b) (Board Review 06).
- SSA Martinez has been a member of the NYPD for seventeen years. He has one other open CCRB complaint, case 201510169, which includes an allegation of a discourtesy.
- SSA Martinez has had twenty-nine previous CCRB cases involving seventy-eight allegations, six of which were substantiated. § 87(4-b) § 87(2)(9)
- Among his substantiated allegations were two allegations of force, a threat of force, and a discourtesy. For
 the substantiated discourtesy allegation, the CCRB recommended charges, and SSA Martinez received
 command discipline. The CCRB recommended charges for both of the substantiated force allegations. The

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- NYPD declined to discipline him for one of the substantiated force allegations, and the NYPD did not yet reach a disposition for the other. For the substantiated threat of force allegation, the CCRB recommended charges, but the NYPD declined to discipline SSA Martinez.
- Among SSA Martinez's other past allegations were sixteen allegations of force, thirteen allegations of discourtesies, one allegation of threat of force, and one of property damage. Of the allegations of force, six were exonerated, four were unsubstantiated, two were unfounded, and the remaining four were closed as victim or complainant uncooperative. Of the allegations of discourtesy, eight were unsubstantiated, two were unfounded, one was exonerated, and the remaining were closed as complainant uncooperative or unavailable. Allegations of force, discourtesies, and property damage have been made against SSA Martinez in this case.

Potential Issues

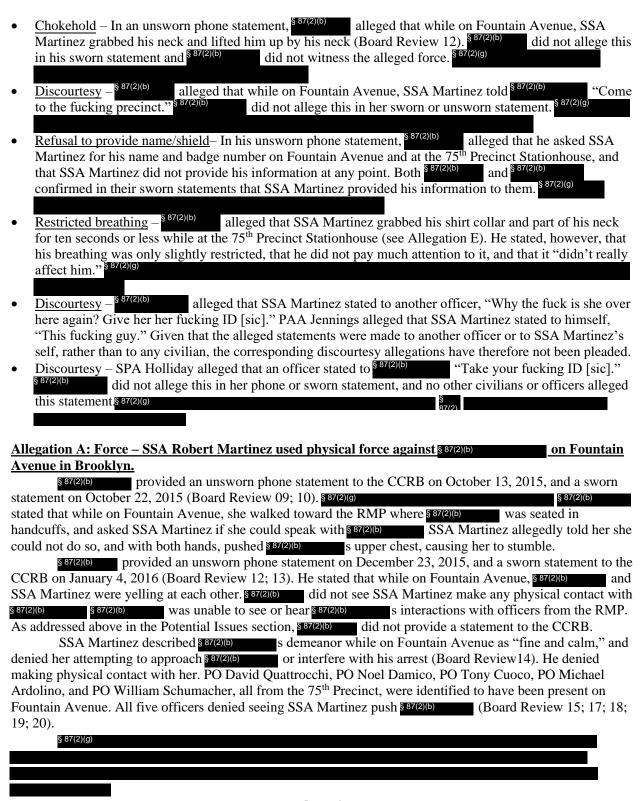
made multiple allegations on behalf of \$87(2)(b) but did not witness any of the
alleged misconduct involving him. §87(2)(b) and her attorney, §87(2)(b) , requested that all contact
attempts to $\$87(2)(b)$ and $\$87(2)(b)$ be made through $\$87(2)(b)$ requested that
those contact attempts be made via email.
Between October 27, 2015, and December 15, 2015, six emails were sent to \$87(2)(b) and seven
were sent to \$87(2)(b) to schedule calls and interviews with \$87(2)(b) and \$87(2)(b)
(Board Review 07). Both \$87(2)(b) and \$87(2)(b) responded to nearly all of the emails, repeatedly
confirming that they wanted to arrange the interviews but repeatedly postponed scheduling them. Though a
call with \$87(2)(b) was eventually arranged, both \$87(2)(b) and \$87(2)(b) failed to arrange interviews
with any of the aforementioned victims and witnesses. Letters were sent to \$87(2)(b) on November 24,
2015, and December 11, 2015, and a letter was sent to \$87(2)(b) on December 11, 2015, as well. None of the
letters were returned to the CCRB.
On November 19, 2015, during a third call to \$87(2)(b) stated that contact attempts to \$772
and \$87(2)(b) should be made through \$87(2)(b) Between October 16, 2015, and
December 4, 2015, ten calls were made to \$87(2)(b) On the tenth call, \$87(2)(b) provided a phone
statement, but § 87(2)(b) said she would contact the investigator on a later date to schedule his interview
and arrange contact with 887(2)(b) (Board Review 11). She stated that the investigator could contact
directly. A follow-up call was made to \$87(2)(b) and \$87(2)(b) on December 10, 2015, but \$27(2)
still failed to arrange an interview or contact with \$87(2)(b) and \$87(2)(b)
therefore did not provide a sworn statement to the CCRB, and \$87(2)(b) provided neither a phone statement
nor an interview to the CCRB.

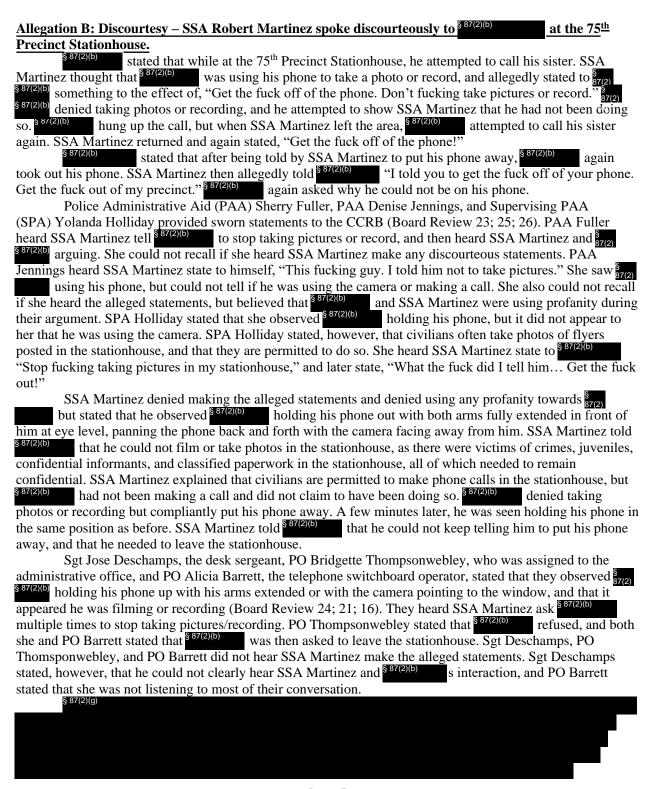
Findings and Recommendations

Allegations Not Pleaded

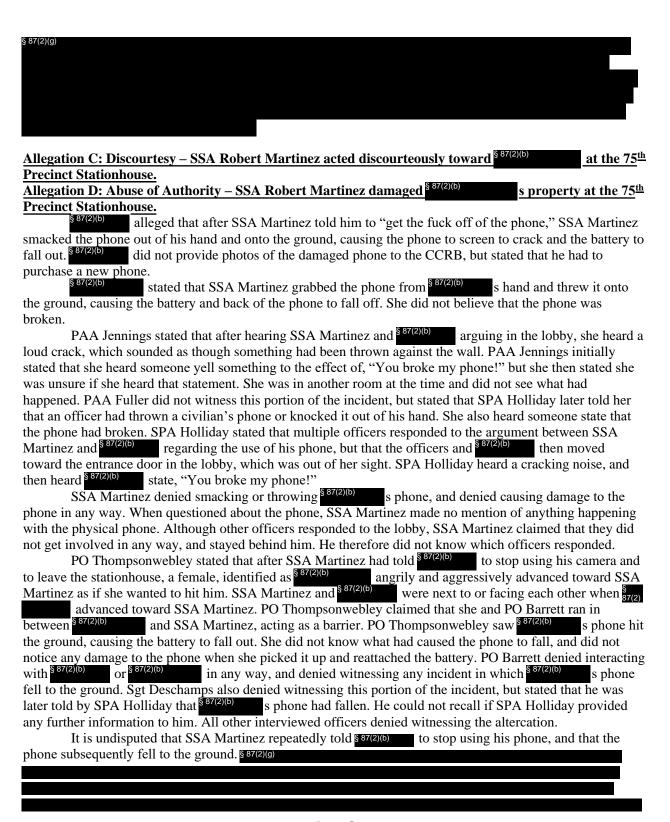
Force; Abuse of Authority; Discourtesy; Offensive Language - In an unsworn phone statement provided on December 4, 2015, \$\frac{87(2)(0)}{2}\$ alleged that an officer drew his gun while chasing \$\frac{87(2)(0)}{2}\$ on Fountain Avenue, and that an officer then tackled him to the ground (Board Review 11). Once on the ground, an officer put his knee on \$\frac{87(2)(0)}{2}\$ head. \$\frac{87(2)(0)}{2}\$ further alleged that while in the RMP, an officer told him, "Shut the fuck up," and that while in the RMP and again at the stationhouse, an officer called him a "faggot" and a "dirtbag." At some point, \$\frac{87(2)(0)}{2}\$ asked an officer for his badge number, which the officer refused to provide. All interviewed officers denied the above allegations. Although alleged some of this misconduct on \$\frac{87(2)(0)}{2}\$ behalf, neither she nor \$\frac{87(2)(0)}{2}\$ witnessed or was present when the aforementioned misconduct allegedly occurred. No other civilians or officers alleged the aforementioned misconduct in phone or sworn statements. Moreover, \$\frac{87(2)(0)}{2}\$ did not provide a sworn statement to the CCRB. \$\frac{87(2)(0)}{2}\$

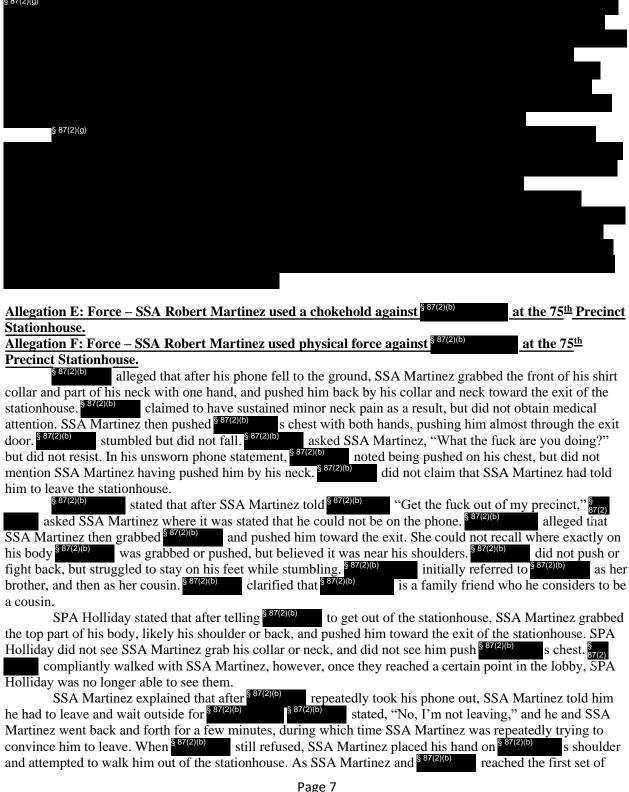
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doors, \$87(2)(b) swung the arm of the shoulder SSA Martinez's was holding, back toward SSA Martinez as if to shake SSA Martinez's hand off of him, and stated, "I'm not fucking leaving." \$87(2)(b) faced SSA Martinez and clenched his fist. SSA Martinez found this threatening and thought that perhaps \$87(2)(b) was going to attempt to punch him. SSA Martinez again told \$87(2)(b) that he had to wait outside and could not
come back in. §87(2)(b) then left. SSA Martinez denied grabbing §87(2)(b) so s collar or neck, and denied pushing his chest or his body in any way. SSA Martinez's memo book is consistent with his testimony, stating
that \$87(2)(6) refused to stop filming and taking photos, and when subsequently asked to leave, he responded that he was not going to leave (Board Review 08). The memo book notes that SSA Martinez then escorted him out, at which point \$87(2)(6) became violent and verbally abusive, was screaming, and made a fist as if to
PO Thompsonwebley stated that after \$87(2)(b) refused to put his phone away, SSA Martinez told him two to three times that he had to leave. PO Thompsonwebley stated that \$87(2)(b) refused, raised his
voice, and stated that he was not leaving. SSA Martinez then tried to physically escort \$87(2)(b) out of the stationhouse. PO Thompsonwebley could not recall what part of \$87(2)(b) s body SSA Martinez touched, but did not recall SSA Martinez using physical force to escort him out. She did not see SSA Martinez grab his neck or collar, and did not recall seeing him push \$87(2)(b) s chest. \$87(2)(b) did not compliantly walk out with SSA Martinez, but eventually left on his own upon the release of \$87(2)(b) After hearing SSA Martinez and \$87(2)(b) argue, Sgt Deschamps saw SSA Martinez place his hand
on \$67(2)(b) s shoulder and guide him toward the exit. He was unable to see the exit door clearly, however, and therefore did not see what, if anything, transpired near the door. He did not see the alleged force. PO Barrett did not witness any physical contact between SSA Martinez and \$67(2)(b) but heard SSA Martinez either tell \$67(2)(b) to stop filming, or tell him to leave three to four times. No other officers witnessed SSA Martinez and \$67(2)(b) s interaction in the stationhouse.
§ 87(2)(g)
§ 87(2)(g)
Allegation G: Abuse of Authority – SSA Robert Martinez threatened to arrest \$87(2)(0) at the 75 th Precinct Stationhouse.

He was angry an and "not to get in \$87(2)(b) s arm arm, shaking SSA \$87(2)(b) and ran \$87(2)(b) made n SSA Marefused to leave a tone, and body st he was under arm NY Pens when, with inten behavior, makes meeting of perso	d shaking, and believed nto any more trouble." It and either stated, "I'm A Martinez off of him, a stated that while S over to him. When she o mention of hearing SS artinez stated that \$87(2)(b) and screamed, "I'm not tance. SSA Martinez howest, and denied attemptinal Law 240.20 subsection to cause public inconvenies unreasonable noise, use	ng pushed, he asked SSA Marthat \$87(2)(b) did not resist or figl going to arrest you," or, "Yound left the stationhouse. SA Martinez and \$87(2)(b) was a Martinez threaten to arrest could have been arrested fucking leaving," and as he wavever, denied telling \$87(2)(b) ng to arrest him at any point. In the stationhouse or physically offensive consumptions or physically offensive consumptions or physically offensive consumptions.	is anger, as she told him to the back. SSA Martinez the u're under arrest." \$87(2)(6) were still interacting, she so so no longer in the stationh \$87(2)(6) for disorderly conduct as as overall combative in him that he was going to are to a person is guilty of disor "he or she engages in three coplace, disturbs any lawfor	o calm down on tried to grab moved his moved his ouse. Standard the repeatedly s demeanor, rest him or that derly conduct eatening all assembly or
<i>-</i>	Signature	Print	Date	
Squad Leader: _	T: 1 /C:			
	Title/Signature	Print	Date	
Reviewer: _	Title/Signature	Print	Date	